IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 19128 of 1999

Between:

1. Devananda Shashikala, W/o. D.Mallikarjun,

2. Smt. Devananda Vanaja, W/o. D.Rajeshwar Rao,

(D/o. C.Lachchaiah)
Both are R/o. H.No. 2-10-766/A, Jyothinagar, Karimnagar.

3 Smt Bhagyarekha, W/o Venkataiah, R/o H.No.10-88,

Main Road, Husnabad Town, Karimnagar District.

(All are represented by Sri D.Rajeshwar Rao, S/o. D.Narsingh

Rao, aged 48 years, H.No. 2-10-1041, Jyothinagar, Karimnagar

as S.P.A. holder)

.... PETITIONERS

AND

1 The Director Transmission Corporation of A.P.Ltd.,
Vidhyuthsoudha, Khairtabad, Hyderabad.
2 Divisional Electrical Engineer, Power Station, Lothukunta,
Secunderabad.
3 P.Venkateshwar Rao, s/o. P.G.Krishna,
Sheshirekha Apartments, Thirumalagiry,
Secunderabad.
4 K.Prasad Rao, S/o. K.Vittal Rao,
Managing Partner M/s Kedari Builders, H.No.3-3, Old Alwal,

Secunderabad.

(Dismissed for default as per Court Order dt.13-3-2003 as against

R-4)

5 M/s Apel Redio Communication System (p) Ltd., Rep. by its

Chairman and Managing Director, Mr.B.S.Murthy,

S/o. Late Sri D.Rammurthy, R/o. Sheshirekha Apartments,
Thirumalagiry, Secunderabad.

6 B.S.Murthy, S/o. Late B.Ram Murthy,
R/o. Sheshirekha Apartments, Thirmalagiry, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents to sanction of Transformer and electricity supply to "SHESHIREKHA APARTMENTS" situated at Thirumalagiry, Secunderabad, as illegal and consequently direct the respondents to disconnect the supply till the completion of the construction work of the entire building.

Counsel for the Petitioners:MR.N.ASHOK KUMAR

Counsel for the Respondents 1 and 2: MR.K.N.JWALA

Counsel for the Respondents 3, 5 & 6:MR.P.M.GOPAL RAO

The Court made the following :

O R D E R :

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in providing transformer and electricity supply to an Apartment, which is named as “Sheshirekha Apartments” situated at Thirumalagiry, Secunderabad.

It is stated in the affidavit, filed in support of the petition that the builder with whom the petitioners entered into an agreement for development of the property has illegally transferred the plots to the purchasers. It is also stated that for cancellation of sale deeds, several suits were filed before the III Senior Civil Judge, Secunderabad.

Having regard to the nature of the case, I am of the view that the petitioners cannot object for sanctioning of transformer and giving electricity service connection to the apartment by the respondent authorities. As the purchasers formed into an association, the respondent authorities provided transformer and also gave the power supply. In this view of the matter, there is no illegality on the part of the respondents in sanctioning transformer and giving power supply to the Apartment. In any event, the writ petitioner cannot raise the factual disputes in this writ petition, which is filed under Article 226 of the Constitution of India.

The writ petition is devoid of merits, which is accordingly dismissed. No order as to costs.

_____

21-06-2005

vrn

To

1 The Director Transmission Corporation of A.P.Ltd.,
Vidhyuthsoudha, Khairtabad, Hyderabad.
2 Divisional Electrical Engineer, Power Station, Lothukunta,
Secunderabad.
3 Two C.D copies.